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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,127	09/08/2003	Ching-Fu Hung	JCLA11645	5403

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER

SHAH, PARAS D

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/658,127

Applicant(s)

HUNG ET AL.

Examiner

Paras Shah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the Application filed on 09/08/2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Csicsatka (US PGPub 2003/0158737).

As to claim 1, Csicsatka discloses an mp3 application device for playing mp3 code data read from a universal serial bus (USB) device, comprising: a universal serial bus (USB) serving as an interface for communicating with the USB device (see Figure 1, element 42 and [0018]) (e.g. The host module is interpreted as consisting of the USB. The USB device being the computer.); a playing module coupled to the host interface module (see Figure 1, elements 12 and 22 with elements 42) (e.g. The playing module is interpreted as consisting of a controller and a decoder), wherein the playing module

further comprises an MP3 decoder (see Figure 1, element 12 and see page 5, [0061], lines 1-6) for converting the MP3 code data (see page 4, [0052], line 5) into voice data and the playing module actively issues a read instruction via the host interface module to read the MP3 code data from the USB device (See Figure 8) (e.g. Since data can be transmitted through the USB, it is inherent from the reference that the data will be read when decoding); and a loudspeaker coupled to the playing module for receiving and broadcasting the voice data (see Figure 1, element 18) (e.g. A headphone has a built-in speaker). However Csicsatka does not specifically disclose the inclusion of a USB host circuit, but does disclose the use of a USB port in the mp3 device (see [0018]).

Nevertheless, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have included a host circuit as an interface for the USB device to communicate with the mp3 player. The motivation to have included such a feature is well known in the art since an interface is needed in order to communicate with the system of interest as presented by Csicsatka (see Chang *et al.* col. 3, lines 36-47).

As to claim 2, Csicsatka discloses the use of a memory card for reading mp3 data (see page 2, [0018], lines 9-14) (e.g. The reference indicates a digital audio file. Since mp3 is a common digital audio format, this audio file is an mp3 file (see page 1, [0008], line 1).

As to claim 3, Csicsatka discloses the use of a memory card for retrieving digital audio file (see page 2, [0018], lines 9-14). However, Csicsatka does not specifically disclose a card host circuit as an interface for communicating with the memory card.

Nevertheless, it is commonly known that the use of a memory card will imply that a card host circuit is needed for the data to be read from the memory card and hence an implied interface is present (see [0018] and [0072]) (e.g. It is noted that the use of a flash memory or memory card is used audio data files are loaded from the memory card and thus there is communication between the mp3 device as well as the memory card).

As to claim 4, Csicsatka discloses wherein, the playing module further a buffer unit (see Figure 1, element 25 and Abstract), coupled to the host interface module (see Figure 1, elements 42 and 32) (e.g. The Applicant regards the USB and data storage (memory card input) as the host interface module, see Applicant's Figure 1, element 110) and the MP3 decoder (see Figure 1, element 12 and Abstract and page 4, [0052], lines 5-11) for holding the MP3 code data temporarily (see page 6, [0068], lines 16-18); and a host control unit (see page 2, [0016]) for controlling the host interface module, the buffer unit and the MP3 decoder (see page 2, [0016] and [0051]) (e.g. The microcontroller as stated by the reference performs the same functions as stated by the applicant where the microcontroller locates and plays the data file from the data storage and coordinates with the buffer).

As to claim 5, Csicsatka discloses wherein the USB device comprises a hard disk (see Abstract and page 2, [0018]) (e.g. The Csicsatka reference states the USB device as being the PC for downloading audio files. Since the PC consists of an audio CD (see [0006]), the CD is thus a portable disc used by the USB device for use with the audio player).

5. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Csicsatka (US PGPub 2003/0158737) in view of Johnson *et al.* (US 6,782,239).

As to claim 6, Csicsatka discloses an mp3 application device for playing mp3 code data read from a universal serial bus (USB) device, comprising: a universal serial bus (USB) serving as an interface for communicating with the USB device (see Figure 1, element 42) (e.g. The host module is interpreted as consisting of the USB); a playing module coupled to the host interface module (see Figure 1, elements 12 and 22 with elements 42) (e.g. The playing module is interpreted as consisting of a controller and a decoder), wherein the playing module further comprises an MP3 decoder (see Figure 1, element 12 and see page 5, [0061], lines 1-6) for converting the MP3 code data (see page 4, [0052], line 5) into voice data and the playing module actively issues a read instruction via the host interface module to read the MP3 code data from the USB device (See Figure 8) (e.g. Since data can be transmitted through the USB, it is inherent that the data will be read when decoding); and a loudspeaker coupled to the playing module for receiving and broadcasting the voice data (see Figure 1, element 18). However, Csicsatka does not specifically disclose the use of a frequency modulation transmitter and the host circuit. Csicsatka does disclose the use of a USB port in the mp3 device (see [0018]). Johnson *et al.* discloses a frequency modulation transmitter (see Abstract) for transmitting a signal coupled to a mp3 decoder (see col. 8, lines 51-53) (e.g. The reference is pertinent since it deals with a digital audio (mp3) device for playing digital audio or storing). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have included a host circuit as an interface

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for the USB device to communicate with the mp3 player by using the mp3 player presented by Csicsatka with the FM transmitter presented by Johnson *et al.* The motivation to have included such a feature (host circuit) is well known in the art since an interface is needed in order to communicate with the system of interest as presented by Csicsatka. Further, the inclusion of the FM transmitter allows a wireless playback on FM stereo (see Johnson *et al.* col. 1, lines 10-12 and col. 1 lines 66-67-col. 2 lines 1-8) for audio being used by the mp3 device of Csicsatka. Hence, the combination would have allowed the user to listen to an mp3 without the use of headphones, earphones, and the use of wires.

As to claim 7, Johnson *et al.* discloses wherein the wireless signal is intercepted by a frequency modulation receiver (see col. 5, lines 20-22).

As to claim 8, Johnson *et al.* discloses wherein the frequency modulation receiver (see col. 5, lines 20-22) for receiving and playing the voice data (see Abstract (e.g. The Johnson reference indicates it being a player and hence would play back the audio signal that is received by the receiver) is part of a car audio-stereo system (see col. 11, line 42-43) (e.g. The reference makes a mention here that the receiver is part of a car audio system).

As to claim 9, Csicsatka discloses the use of a memory card for reading mp3 data (see page 2, [0018], lines 9-14) (e.g. The reference indicates a digital audio file. Since mp3 is a common digital audio format, this audio file is an mp3 file (see page 1, [0008], line 1).

As to claim 10, Csicsatka discloses the use of a memory card for retrieving digital audio file (see page 2, [0018], lines 9-14). However, Csicsatka does not specifically disclose a card host circuit as an interface for communicating with the memory card. Nevertheless, it is commonly known that the use of a memory card will imply that a card host circuit is needed for the data to be read from the memory card and hence an implied interface is present.

As to claim 11, Csicsatka discloses wherein, the playing module further a buffer unit (see Figure 1, element 25 and Abstract), coupled to the host interface module (see Figure 1, elements 42 and 32) (e.g. The Applicant regards the USB and data storage (memory card input) as the host interface module) and the MP3 decoder (see Applicant's Figure 1, element 12 and Abstract and page 4, [0052], lines 5-11) for holding the MP3 code data temporarily (see page 6, [0068], lines 16-18); and a host control unit (see page 2, [0016]) for controlling the host interface module, the buffer unit and the MP3 decoder (see page 2, [0016]) (e.g. The microcontroller as stated by the reference performs the same functions as stated by the applicant where the microcontroller locates and plays the data file).

As to claim 12, Johnson *et al.* discloses wherein the application device further comprises an input to a dc power source (see Figure 1, element 18, and elements 12,14,16 (device) and see col. 5, lines 14-18) (e.g. The applicant makes mention of a cigarette lighter being used as the power source. It is implied that there is a voltage transformer in the player when input voltage is being used to power the device as a mean for protection as well as powering individual units within the device).

As to claim 13, Csicsatka discloses wherein the USB device comprises a portable disk (see Abstract and page 2, [0018]) (e.g. The Csicsatka states the USB device as being the PC for downloading audio files. Since the PC consists of an audio CD (see [0006]), the CD is thus a portable disc used by the USB device for use with the audio player).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US 6,292,440) is cited to teach a mp3 car player. Grady (US 6,591,085) is cited to teach a FM transmitter and power supply for mp3 player. Zhang *et al.* (US PGPub 2002/0085835) is cited to teach a portable digital data player. Lin (US 7,013,164) and O'Grady *et al.* (US PGPub 2002/0175665) are cited to teach a battery and medical decoder for a host device including mp3 players. The NPL documents by SSSI America ("Neo Car Jukebox MP3 player) is cited to teach a device for playing mp3 with use of a FM modulator. Chang *et al.* is cited to disclose there being a host circuit as an interface for the USB device (see Chang *et al.* col. 3, lines 36-47) as described in claims 1 and 6, and mentioned as an obvious limitation in numbered items 4 and 5 of this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-FRI. 7:30a.m.-5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.

02/28/2007



XIAO WU
SUPERVISORY PATENT EXAMINER